

EMPIRE VILLAGE COUNCIL WORK SESSION

March 10, 2022 @ 7 PM

Empire Township Hall - 10088 W. Front Street

AGENDA

A. CALL MEETING TO ORDER AND PLEDGE OF ALLEGIANCE

B. ROLL CALL

C. CHANGES OR ADDITIONS TO THE AGENDA

D. ADOPTION OF THE AGENDA

E. PUBLIC COMMENTS ON AGENDA ITEMS

F. COUNCIL MEMBER / COMMITTEE REPORTS

G. OLD BUSINESS

1) Clarification of Financial Reports

2) Capital Improvement Plan

H. NEW BUSINESS

1) Empire Chamber of Commerce Road Closures Request

2) Water Cross Control Program

a) Water Supply Cross Connection Ordinance No. 113

b) Cross Connection Policy

3) Personnel Policy

4) Transportation Plan

5) Resolution No. 7 of 2022 – Compliance with 2011 Public Act 152

6) Direct Deposit for Paychecks

I. PUBLIC COMMENT

J. COUNCIL MEMBER COMMENT

K. ADJOURNMENT

Village of Empire Tree Committee Meeting

February 28, 2022

Minutes

2:00 pm – 3:00 pm

Present: Maggie Bacon, Ryan Buchler (agenda item one), March Dye, John Friend (agenda item one), Lee Mueller (Davey Tree Group via Zoom) and Derith Smith.

1. **Grant Kick-off - Lee Mueller, Davey Tree Group**

The scope of the grant is to take the work of the tree inventory and move the process of thoughtful planning for maintaining the village “forest” forward using industry standards as the basis for decision making. Two specific projects for the grant are:

a. Creation of a Community Forestry Plan Program Outline. That will help the DPW, the Village Council and the Tree Committee set priorities related to tree maintenance and removal. In addition, the plan will help with determining the number of trees to plant and where to increase the Village “forest”. This will be a 3-5-page document that will use the current inventory as a guide. Lee Mueller, Davey Group, will draft an initial plan. The committee can change or add or delete. Some discussion occurred related to dangerous trees¹ and how they are identified in the inventory.

b. Provide a hands-on training for interested committee members and residents. This training will focus on using industry standards in completing one or both of the following activities:

- Tree Risk Assessment
- Prioritize work (tree removal, pruning, remediation) beyond the condition of the tree

Anticipated Timeline:

Mid-April - Community Forestry Plan

May/June – Tree Risk Assessment Training

¹ This could be trees in wires or those that impact the public health.

Reminders:

Any and all work done related to tree maintenance should be reported to the Clerk or Deputy Clerk – both for grant timekeeping purposes and to update the tree inventory.

2. Planning for Community Planting

Tree Community Engagement Chair, March Dye, is planning for a Fall Community planting with ReLeaf. She will look into tree grant opportunities with DTE or Consumers to help offset the cost of trees.

Action Item: Dye would like an updated inventory list from the tree inventory. Deputy Clerk will provide.

Action Item: Dye will look into Spring tree grant opportunities and bring back to committee to forward to the Council.

3. Process for Tree Pruning and Tree Removal

The committee recommends a good start for prioritizing tree pruning to start with is to make all sidewalks passible. Dye offered to complete an inventory of locations.

Action Item: Dye to complete inventory of where trees may impede walkers and bring back to the committee.

Respectfully submitted

Maggie Bacon

March 4, 2022

Since 2015, a Capital Improvement Plan has been in place in the Village. As is appropriate, the plan has been revised and items added or removed – because needs and finances change. The most recent approved revision included repairs and maintenance requests as well as studies for a wide variety of projects. In addition, just year one funding was scheduled at over \$1,000,000. The attached documents may be used to assist the Village Council (today and into the future) and the Planning Commission in understanding the role the Capital Improvement Plan plays in setting infrastructure priorities for a 5-6-year period and how that links to yearly budget planning. They were derived from several sources including the Michigan Municipal League and the Michigan Department of Treasury. Those who watched the videos from the Michigan Department of Treasury will recognize the nomenclature.

Updating Capital Improvement Process – Getting Real

The Village has limited resources. The Village has 1.1 square miles of roads, sidewalks, buildings and property to maintain and to fund projects that promote the health, well-being and welfare of 375 residents. CIP projects should be first vetted with a majority of the council in agreement. This includes any projects generated by the DPW or Village Office staff. After such agreement, the Council can approve a modest expenditure of funds, if needed to help determine costs. We can (and should) plan as far in advance as possible.

Recommendation for updating the currently adopted CIP:

1. Village Council reviews the current CIP and determines the 2023-2028 plan – for all funds except the water fund which will have its own general plan (this can be done over several meetings).
2. If any committee or staff have new project they feel are important to begin planning for, they may complete a short one-page (see attached) project description document no later than July 2022.
3. The Village Council will review those new project descriptions – from both a fiscal and needs based perspective and vote on those projects. The CIP update must be completed prior to the start of the budget process for 2023.

Respectfully submitted,
Maggie Bacon

VCWS 3/10/22



Village of Empire – Capital Improvement Planning

Preparation of the CIP is done under the authority of the Michigan Planning Enabling Act (PA 33 of 2008). The goal of the CIP is to assist the Village government in its fiscal planning and to identify and implement projects, when fiscally viable, outlined in the Master Plan, Transportation Plan or Recreation Plan.

The CIP is dynamic. Each year all projects included within the CIP need be reviewed, a call for new projects can be made, and adjustments are made to existing projects arising from changes in the amount of funding required, conditions, or timeline. A new year of programming is also added each year to replace the year funded in the annual operating budget. Greatest attention should be devoted to provide more detailed information about individual project requests, program planning, fiscal analysis and fiscal policies,

CIP and the budget process.

The CIP, when implemented thoughtfully, provides a link between planning and budgeting for capital projects. The CIP process, typically, precedes the budget process and is used to develop the capital project portion of the annual budget. Projects listed in the CIP represent a reasonable interpretation of the upcoming needs for the community. Projects contained in the first year of the plan should be suitable for inclusion in the upcoming budget.

Priority rankings do not necessarily correspond to funding sequence. For example, a road project which is ranked lower than a park project may be funded before the park project because the road project has access to a restricted revenue source, whereas a park project may have to compete for funding from other revenue sources. A project's funding depends upon a number of factors—not only its merit, but also its location, cost, funding source, and logistics.

The Village of Empire should strive to maximize resources by **maintaining a balance between operating and capital budgets**. A continuous relationship exists between the CIP and the annual budget. A direct link can be seen between the two documents, as there should be in a strategic planning environment. Budget appropriations lapse at the end of the fiscal year as the operating budget is funded with recurring annual revenues such as taxes, licenses, fines, user fees, and interest income.

SAMPLE CIP Definitions – Village of Empire

As used for the Village of Empire, a capital improvement project is defined as a major, nonrecurring expenditure that includes one or more of the following:

1. Any construction of a new facility (i.e., a public building, storm sewers, major/local roadways, recreational facilities), an addition to, or extension of such a facility, provided that the cost is \$10,000 or more and that the improvement will have a useful life of three years or more.
2. Any nonrecurring rehabilitation of all or a part of a building, its grounds, a facility, or equipment, provided that the cost is \$10,000 or more and the improvement will have a useful life of three years or more.
3. Any purchase or replacement of major equipment to support community programs provided that the cost is \$10,000 or more and will be coded to a capital asset account.
4. Any planning, feasibility, engineering, or design study costing \$25,000 or more that is not part of an individual capital improvements project or a program that is implemented through individual capital improvements projects.
5. Any acquisition of land for a public purpose that is not part of an individual capital improvements project or a program that is implemented through individual capital improvements projects provided that the cost is \$25,000 or more.



Capital Improvement Plan Project Description

Section 1A

Project Title:

Department

(Street, Park, Equipment, etc.)

Prepared by:

Date:

Section 1B

Project Description. Provide a brief description of the proposed capital improvement:

Section 1C

Is this a project part of an adopted program, policy or plan? ☐ Yes ☐ No

If yes, how does this project directly or indirectly meet the objectives of the program, policy or plan?

Section 1D

Is the Village government legally obligated to perform this service? ☐ Yes ☐ No

If yes, please describe that legal obligation:

Empire Chamber of Commerce.

8th February 2022

Dear Village Council Members.

The Empire Chamber of Commerce would appreciate the Empire Village Council granting the following street closures via a motion. This will enable the Chamber to promote its 2022 Festival Schedule in the coming months.

The Empire Asparagus Festival

Due to increased costs and other logistical issues please note the new date for the Festival.

Closure of Front Street from noon Friday 3rd June 2022 through to noon Sunday 5th June 2022

Empire Hill Climb Revival

Closure of Wilco/Lake Street from Washington to the Village Limit 10 am thru 4pm Friday 16th September 2022 for the purpose of setting up timing equipment, reason of safety.

Closure of Front Street from 8am Saturday 17th September 2022 until 6pm. To include from Union St to West of the Motel entrance Junction to accommodate increased entry level.

Closure of Lake Street / Wilco Rd is requested from 8.00am thru 6pm on Saturday 17th September 202. From the Junction of Pitch Apple Lane to the Village limit.

Empire Hops Festival at the time of writing it's unclear if there will be a Festival in 2022.

I'm sure the members of the Village Council are fully aware that the Chamber relies completely on these events to raise the revenues needed to operate the Chamber on a day to day basis. With a greatly reduced revenue in 2020 and 2021 the 2022 season will be critical to the chambers future finances.

VC 3/10/22 WS

VILLAGE OF EMPIRE
ORDINANCE NO. 113
WATER SUPPLY CROSS CONNECTION

AN ORDINANCE REGULATING CROSS CONNECTIONS WITH THE PUBLIC WATER SUPPLY SYSTEM, I.E. A CONNECTION OR ARRANGEMENT OF PIPING OR APPURTENANCES THROUGH WHICH WATER OF QUESTIONABLE QUALITY, WASTES OR OTHER CONTAMINANTS CAN ENTER THE PUBLIC WATER SUPPLY SYSTEM.

THE VILLAGE OF EMPIRE ORDAINS:

Section 1. Purpose

That the Village adopts by reference the Water Supply Cross Connection Rules of the Michigan Department of Public Health being R325.431 to R325.440 of the Michigan Administrative Code of Environment, Great Lakes, and Energy being R325.11401 to R325.11407 of the Michigan Administrative Code.

Section 2. Inspection

- a.) That it shall be the duty of the Village of Empire Water Department to cause inspections to be made of all properties serviced by the public water supply where cross connections with the public water supply is deemed possible. The frequency of inspections and re-inspections based on potential health hazards involved shall be as established by the Village of Empire Water Department and as approved by the Michigan Department of Public Health of Environment, Great Lakes, and Energy.
- b.) That the representative of the Village of Empire Water Department shall have the right to enter at any reasonable time any property serviced by a connection to the public water supply system of Empire Village the Village of Empire for the purpose of inspecting the piping system or systems thereof for cross connections. On request the owner, lessees or occupants of any property so served shall furnish to the inspection agency any pertinent information regarding the piping system or systems on such property. The refusal of such information or refusal of access, when requested shall be deemed evidence of the presence of cross connection.

Section 3. Disconnection of Service

That the Village of Empire is hereby authorized and directed to discontinue water service after reasonable notice to any property wherein any connection in violation of this Ordinance exists and to take such other immediate precautionary measures deemed necessary to eliminate any danger or contamination of the public water supply system. Water service to such property shall not be restored until the cross connection(s) has been eliminated in compliance with the provisions of this Ordinance.

Section 4.

That all testable backflow prevention assemblies shall be tested at the time of installation or relocation and after any repair. Subsequent testing of devices shall be conducted at a time interval specified by the Village of Empire and in accordance with Michigan Department of Environment, Great Lakes, and Energy requirements. Only individuals that hold a valid ASSE Standard 5110 certification shall perform such testing. ~~Each tester shall also be approved by the Village of Empire Water Department.~~ Individual(s) performing assembly testing shall certify the results of his/her testing and provide a copy to the Village of Empire.

Section 5. Water Supply Label

That the potable water supply made available on the properties served by the public water supply shall be protected from possible contamination as specified by this ~~Ordinance, by the State and Empire Village and by local~~ plumbing code. Any water outlet which could be used for potable or domestic purposes and which is not supplied by the potable system must be labeled in a conspicuous manner as:

**WATER UNSAFE
FOR DRINKING**

Section 6.

That this ordinance does not supersede the state and local plumbing code but is supplementary to them.

Section 7. Penalty/Civil Infraction

Any person who violates this Ordinance shall be responsible for a municipal civil infraction, as defined in the Village of Empire's Municipal Civil Infraction Ordinance #107, Section 5.

Section 8. Repeal of Prior Ordinances

All prior Ordinances ~~or parts thereof, in conflict with the terms of this Ordinance are deemed rescinded. Specifically, Ordinance #60 of 1979 is rescinded.~~

Section 9. Severability

The various parts, sections and clauses of this Ordinance are hereby declared to be severable. Should any part, clause, sentence, paragraph, or section of this Ordinance be found invalid or unconstitutional for any reason by any court of competent jurisdiction, any such decision shall not affect the validity of the remainder of this Ordinance.

Section 10. Effective Date.

This Ordinance shall take effect upon the later of 30 days after adoption or 30 days after the date of its publication in the manner provided by law.

Section 11. Adoption.

This Ordinance was duly adopted by the Village of Empire Council at its regular meeting called and held on the Xth day of _____ 2022.

Section 12. Publication.

The Village Clerk shall cause this Ordinance or summary of this Ordinance to be published in a newspaper of general circulation within Village of Empire within fifteen (15) days after adoption.

Daniel Davis, President, Village of Empire

Derith Smith, Clerk, Village of Empire

Adoption date:
Publication date:
Effective date:

CERTIFICATION

I, Derith Smith, the Clerk for Village of Empire, Leelanau County, Michigan, do hereby certify that the foregoing is a true and complete copy of this Ordinance adopted by the Village of Empire Council at a regular meeting held on _____, 2022. The following members of the Village of Empire Council were present at the meeting:

The Ordinance was adopted by the Village of Empire Council with 7 members of the Council voting in favor (_____) and 0 voting against.

A copy of the Ordinance or a summary thereof was published in the Traverse City Record Eagle on _____, 2022.

Derith Smith, Clerk, Village of Empire

Village of Empire Cross Connection Control Program

I. Introduction

In accordance with the requirements set forth by the Michigan Department of Environment, Great Lakes and Energy, the Village of Empire has officially adopted the State of Michigan Water Supply Cross Connection Rules to protect the Village of Empire public water supply system. "Cross Connection" is defined as a connection or arrangement of piping or appurtenances through which a backflow could occur. "Backflow" means water of questionable quality, waste, or other contaminants entering a public water supply system due to a reversal of flow. The Cross Connection Control Program will take effect immediately upon approval of the Michigan Department of Environment, Great Lakes and Energy.

II. Local Ordinance

The authority to carry out and enforce a local cross connection control program is in accordance with Village Ordinance No. 113, as amended March 22, 2022, a copy of which is included in the program.

III. Local Inspection

The Village of Empire Department of Public Works Superintendent and/or other agencies as applicable shall be responsible for making initial cross connection inspections and re-inspections to check for the presence of cross connections with the municipal water supply system. Individuals responsible for carrying out cross connection inspections and re-inspections shall have obtained necessary training through any available manuals on cross connection prevention including the Water Supply Cross Connection Rules Manual as published by the Michigan Department of Environment, Great Lakes and Energy and attendance of any cross connection training sessions sponsored by the Michigan Department of Environment, Great Lakes and Energy or other recognized agencies.

IV. The schedule for inspections shall be in accordance with the following general outline:

1. Known or suspected secondary water supply cross connections shall be inspected first (surface water, private wells and storage tanks, recirculated water, etc.).
2. Known or suspected submerged inlet cross connections will be inspected next.

In general, emphasis will be placed on making inspections on industrial and commercial establishments or where cross connections are known or suspected to exist. All other buildings and water system connections, including residential accounts, shall be inspected in a logical sequence as time permits.

V. Schedule for Reinspection

In order to ensure against the hazards of cross connections, it will be necessary to periodically and systematically reinspect for the presence of cross connections. The schedule for reinspection shall be in accordance with the schedule as noted in the Water Supply Cross Connection Rules Manual. Whenever it is suspected or known that modifications have taken place with piping systems serving a particular water customer, re-inspections of the premise will be made.

VI. Protective Devices

The methods to protect against hazards of cross connections as outlined in the Water Supply Cross Connection Rules Manual will be incorporated into the Village of Empire Cross Connection Control Program.

VII. Compliance Time

The time allowed for correction or elimination of any cross connection found shall be as follows:

1. Cross connections which pose an imminent and extreme hazard shall be disconnected immediately and so maintained until necessary protective devices or modifications are made.
2. Other cross connections which do not pose an extreme hazard to the water supply system should be corrected as soon as possible. The length of time allowed for correction should be reasonable and may vary depending on the type of device necessary for protection. The water utility shall indicate to each customer the time period allowed for compliance.

VIII. Backflow Prevention Assembly Testing and Record Keeping

All testable backflow prevention assemblies shall be tested at the time of installation or relocation and after any repair. In addition, all high hazard and reduced pressure principal backflow preventers shall be tested annually. All other assemblies shall be tested at least once every three years. Records of test results shall be maintained by the water utility. Testing must be performed by a tester with an active ASSE Standard 5110 certification and listed as such at www.asse-plumbing.org. Backflow prevention assembly test forms must be signed by an ASSE 5110 certified tester and a copy kept on file with the Village of Empire.

IX. Annual Reporting

The water utility shall maintain sufficient and accurate records of its local cross connection control program and report annually on the status of the program to the Michigan Department of Environment, Great Lakes and Energy on a form provided by the department.

March 3, 2022

From: Personnel Committee

Re: Personnel Policy/Employee Handbook

The attached Personnel Policy/Employee Manual is the culmination of work dating back to sometime in 2017-2018 as changes were taking place within the Village Office and on the Village Council. During 2019-2020, it became clear a more robust document was needed to address a variety of inconsistencies.

The Personnel Committee recommends:

Council members receive this document in March 2022 with content comments or suggestions from the Council to be discussed and addressed at the April work session.

Following that discussion, agreed upon changes may be made and a final DRAFT be provided to the Village attorney prior to final approval.

Highlight of changes:

1. Definition of Employee Classifications. This was updated to reflect a distinction for Full-Time and Part-Time year-round employees in comparison to season employees such as beach ambassadors, and DPW assistants. We also added a description of Volunteers to match with our volunteer policy.
2. Strengthened the section that outlines the requirements for employees who are assigned the duty of working with heavy equipment.
3. Added a section that clarifies recruitment and hiring procedures and processes as well to clarify the roles and responsibilities of the Council, the President and the Personnel Committee in the hiring and recruitment process.
4. Provided detailed explanation of performance assessments including who does them and for what position, including language related to disciplinary action.
5. Added clarity and more specific guidelines related to overtime pay per the Federal Fair Labor Standards Act (FLSA) and the Michigan Wage and Overtime Law.
6. The current committee spent significant time researching and considering a movement away from standard vacation/sick/personal days to a system of Paid Time Off (PTO) that is growing in popularity in the human resources field – including municipalities. In the end, the Personnel Committee determined that with just 3 full-time employees, the added administrative requirements and potential increases in how sick leave versus PTO liability is reported to the state, it would be best to remain with the more traditional leave options at this time.
7. The committee is recommending allowing full time employees to take vacation time as it is accrued versus having to wait 52 weeks, particularly in that first year, to be eligible for vacation time.
8. Increased Paid Holidays from 6.5 to 9.5.

Village of Empire Personnel Policy/Employee Handbook

Section 1 – Purpose

The information contained in this policy is a guideline and is not intended as an employment contract. No employee handbook can anticipate every circumstance or question about policy. Employees will be notified of modifications to the handbook as they occur.

If you have any questions regarding a particular policy, rule, benefit or program that is not mentioned in the handbook, please feel free to contact the Village President.

Purpose

The purpose of the Village of Empire Personnel Policy/Employee Handbook is to provide employees with general information on the policies, procedures, and benefits of working for the Village of Empire.

The Empire Village Council recognizes its employees as valuable assets to Village Operations. The Village strives to ensure a healthy work atmosphere and to provide employees with the tools and support needed to accomplish their job effectively.

In addition, the Empire Village Council seeks to provide for the fair treatment of all employees. The Village hires employees to complete work necessary to provide services that meet the needs and, when possible, enhance the quality of life for our community.

Section 2 - General Employment

At-Will Employment Status

The Village is an at-will employer. This means that you and the Village each have the right to terminate the employment relationship at any time, with or without advance notice, and with or without cause. Nothing in this handbook shall alter the at-will nature of employment with the Village. Except for the Village President and the Village Council (through an official action), no other official, department head or other employee of the Village has any authority to enter into an agreement for employment for any specified period of time or to make an agreement for employment on other than at-will terms.

Open Door Policy

The Village values the opinions, suggestions and questions of its employees. If you have a problem, concern, a question or a request, you are encouraged to discuss it with or write to the Village President. While not all problems or concerns may be

resolved to the complete satisfaction of all parties, the Village is committed to resolving conflicts whenever practicable in a civil and respectful manner.

Employment Classifications

Below are definitions of employment classifications. These classifications do not guarantee employment for any specified period of time.

Each employee is classified as either Exempt or Non-Exempt:

Exempt – Exempt employees include those who are not subject to the overtime provisions as defined by the Fair Labor Standards Act (FLSA) and state wage and hour laws. Exempt employees are generally paid on a salary basis and are expected to work the number of hours required to meet the requirements for their particular position each week, which may be more or less than forty (40) hours per work week depending on business needs.

Non-Exempt – Non-exempt employees are subject to the overtime provisions of the FLSA and state wage and hour laws. Non-exempt employees are paid by the hour and receive overtime at a rate of one and one-half times their regular rate of pay for hours worked in excess of forty (40) hours per work week.

In the event of conflict between any provision of this manual and any provision of the Fair Labor Standards Act, or the Michigan Department of Labor and Economic Opportunity, Bureau of Employment Relations or the General Law Village Act, the federal and/or state laws govern. In all other cases, these policies shall govern.

Department Head: An employee who has responsibility for directing one or more employees. The term department head may, also, refer to an appointed official who is responsible for directing one or more employees.

Full-Time Employee: Full-time employees are hired to work on a year-round basis and are regularly scheduled to work at least 36 hours per week. Employees with this classification are designated in the annual budget and have no known expiration date (permanent status). Full-time employees qualify for paid benefits.

Part-time Employee: Part-time employees are hired to work on a year-round basis and regularly work less than 32 hours per week. Employees in this classification are designated in the annual budget and have no known expiration date (permanent status). Part-time employees shall receive all legally mandated benefits such as Workers Compensation Insurance and Social Security). They may or may not qualify for paid benefits. Any offer of benefits requires an official action of the Village of Council.

Seasonal Employee: An employee, either full-time or part-time, hired on a seasonal or project-related basis not to exceed twenty-five (25) weeks per year. Like all employees, seasonal employees are subject to an at-will

employment relationship during their temporary assignment. Seasonal employees shall receive all legally mandated benefits, but shall not be eligible for any additional benefits.

Volunteers: A person or persons who perform any assigned or authorized duties for the Village for no pay although they may be given reimbursement for actual expenses necessarily incurred in performing their assigned duties. A volunteer may work under the direction of the Village President, a department head, an appointed officer or regular employee as approved by the Village Council.

Employment Eligibility

The Village will hire only those individuals who are currently and legally authorized to work in the United States. All individuals will be required to submit documentary proof of their identity and employment authorization. Employment eligibility must be proven within three (3) days of hire date in order to maintain employment status.

Employees will be required to complete and sign an Employment Eligibility Verification Form I-9. The Form I-9 requires an employee to attest that they are authorized to work in the job for which they are hired and that the documents submitted are genuine. If authorized to work in this country for a limited period of time, the employee will be required to submit proof of continued employment authorization before the expiration of that period, and sign another Form I-9 in order to remain employed by the Village. Further, the Village may require completion of additional I-9 Forms in accordance with applicable law.

Employment Records

The Village maintains employment personnel files for all employees. All personnel records are confidential. Employees may review their personnel file as permitted by applicable law by making an appointment with the Village Clerk or Village President. It is your responsibility to promptly notify the Village if there is any change in the following information:

- Home address or phone number;
- Marital status;
- Change in legal name;
- Beneficiary changes;
- Changes in dependents; and
- Changes to emergency contact information.

References

To ensure that individuals who join the Village are well-qualified and that the Village maintains a safe and productive work environment, all offers of employment with the Village are contingent upon satisfactory completion of reference checks.

Heavy Equipment Stipulation

Prior to performing any duties requiring the operation of heavy equipment for new employees) and for all other employee's whose job duties include heavy equipment

operation (snow plow, front loader, tractors, all employees, including seasonal workers, **an annual medical examination** (including drug screening for non-prescription substances) at the expense of the Village of Empire is required. In addition, a driving record review and criminal history check may also be completed. Proper authorization from the applicant/employee will be obtained first and reports will be kept confidential to the extent required by law.

Probationary Period

The Village observes a 90-calendar day probationary period during which newly hired employees are oriented to their position and duties. Satisfactory completion of the probationary period does not alter an employee's at will status. Employees must earn an overall 'meets expectations' rating on the probationary performance review in order to be converted to permanent status.

Disciplinary Action

Work environments must have certain rules in order to operate in an orderly and efficient manner, to ensure cooperation between employees, and to assist in properly respecting the rights and interests of each employee. When these rules are violated, it may be necessary for the Village to take disciplinary action. The type of disciplinary action to be taken is fact-specific and will depend on a variety of factors including without limitation, the severity of the misconduct and the employee's prior disciplinary history.

Nothing in this policy alters the at-will employment relationship that exists between the employee and the Village.

Separation from Employment

If you decide to leave your employment with the Village, please promptly notify your supervisor in writing. It is requested, but not required, that a two (2) week notice be given. Upon termination, all Village property must be returned. Further all passwords or access information for Village devices, resources, or information must be provided to the Village upon separation of employment. (See Section 4 for additional information regarding unused vacation payments related to separation or termination)

Employment of Relatives

No preference exists nor will a preference be exercised in hiring and employment decisions for relatives of current or former employees, or elected or appointed officials. No employee or official may serve on the interview team or weigh in on a decision to hire which may be a relative or have a long acquaintance relationship with the person being interviewed.

In the event relatives are employed by the Village, direct reporting relationships between relatives or close acquaintances, whether the relationship is established through blood, adoption, marriage or other legal arrangement, are strictly prohibited. Reasonable effort will be made to modify the reporting structure of an employee in a direct reporting situation to another department. If a transfer is not

possible, the Village reserves the right to terminate the employment of either or both employees to resolve the conflict.

“Relative” includes spouse, parent (or step-parent), child (or step-child), aunt, uncle, niece, nephew, sibling, grandparent, or grandchild, and any of these as established through blood, adoption, marriage or other legal arrangement.

Section 3: Recruiting and Hiring

Recruiting – Full-Time and Part-Time Employees

Recruiting practices are conducted solely on the basis of ability, qualifications and compliance, without regard to race, color, religion, national origin, sex, marital status, pregnancy, disability, age or any other basis protected by law.

Applications will only be taken when solicited by the Village. Applications will be available via the Village website and in the Village Office.

Vacancies in the Village may be filled from within, provided qualified persons are available. In this instance, the vacancy may be filled without advertisement.

Hiring – Full-Time and Part-Time Employees

Prior to any posting or advertisement of an opening or position vacancy, the Village President and Department Head shall review the position and write or update the job description and the need for such position and provide a recommendation to the Village Council for action. **The Village President and the Village Council shall determine the role of the Personnel Committee in this step of the process, if any.**

When a new position or vacancy is approved, the Village Council, the Village President, in consultation with the Village staff and the Personnel Committee (as desired), shall prepare the position vacancy information for the local papers (Leelanau Enterprise, Benzie Patriot), on the Michigan Municipal League job posting page, if appropriate, in the Traverse City Record Eagle as well as the Village Kiosk and in the Village Office. In addition, the Village President and Village Office may consider recommending posting the openings using social media or other online recruiting resources (Indeed, Michigan Talent Bank, etc.). Such postings will be advertised for two consecutive weeks before filling the vacancy. **The Village Council shall approve the expenditure of funds for such postings prior to posting.**

Applications for positions in which the applicant is expected to operate a motor vehicle must be at least 18 years of age and will be required to present a valid driver's license with any necessary endorsements. Driving records of applicants for these positions will be checked.

After a conditional offer of employment has been made and prior to the commencement of employment, the Village may require persons selected for employment to successfully pass a medical examination, which may include testing

for alcohol and controlled substances. This testing will be paid for by the Village. The purpose of the exam is to determine if the individual is physically able to perform the job and to ensure their physical condition will not endanger the health, safety or well-being of other employees or the public. The offer of employment may be conditioned on the results of the examination.

Section 4 – Workplace Expectations

Attendance and Punctuality

Employees are expected to consistently report for work on time. If an employee is going to be absent for any reason, employee must telephone employee's direct supervisor as far in advance of employee's starting time as possible for each day of absence. Any employee who fails to show up for work and to contact his/her supervisor for three (3) consecutive work days, will be considered to have abandoned his/her job, and will be terminated. Excessive absenteeism or tardiness will lead to disciplinary action up to and including termination.

Performance Assessments

The Village shall conduct employee performance evaluations on an annual basis, in November or December or more frequently at its sole discretion. Performance assessments shall be for the purpose of hearing employee input on any work-related issue and discussion of employee performance. The assessment shall be written, and shall be used as a tool for the planning process for the next year.

Assessments are to be conducted in the following manner:

Employee	Supervised and Evaluated by
DPW Superintendent	Village President
DPW Technician	DPW Superintendent
Deputy Clerk	Village Clerk

The fact that the Village chooses to undertake employee performance assessment is not intended to modify the at-will nature of the employment status of any employee. Employees are not required to agree with performance evaluations.

Dress Code

Employees should avoid overwhelming or offensive scents such as heavy perfume or strong smoke. Any employee operating powered-equipment must wear proper safety gear or clothing.

Workplace Safety

All employees have the opportunity and responsibility to contribute to a safe work environment by using commonsense rules and safe practices, and by notifying the Village President and Village Office when any health or safety issues occur.

No employee will be retaliated against for reporting any workplace health or safety concerns.

An employee who sustains a work-related injury or illness should inform his or her supervisor immediately. No matter how minor an on-the-job injury may appear, it is important that it be reported immediately.

In the event of an emergency, notify the appropriate emergency personnel by dialing 911.

Customer Service

You represent the Village of Empire to every person you may encounter in completing your job functions. Your demeanor is a reflection on every Village employee and the Village.

Section 5 – Pay Administration

Timekeeping

The established work period is based on 7-day work week: 12:00 am Sunday through 11:59 pm Saturday.

Standard Days of Operation and Exceptions.

The standard days of operation for the Village Offices (Office and DPW) shall be Monday – Friday.

The DPW office is open from 7:00 am to 3:30 pm with a 30-minute unpaid lunch break. Significant seasonal shifts for the DPW hours of operation are to be expected. The DPW Department Head will confer with the Village President when those shifts in hours are warranted. Changes in shifts in DPW hours of operation shall be reported to the Village President in a timely fashion.

The Village Office is open from 8:00 to 4:30 with a 30-minute unpaid lunch break. Different work schedules needed to meet job assignments and to provide necessary services may be established at the request of the Village Clerk and approved by the Village President.

Department Heads are expected to make every effort to ensure both offices (Village and DPW) offer open hours Monday through Friday with exceptions made during holidays throughout the year.

Time sheets

- Individual time cards shall be completed shall by all employees.
- Time cards shall be turned into the employee's supervisor at the end of every period (no later than the Monday of a pay Friday) for signature.
- Paychecks will be issued and distributed no later than the Friday after the end of pay period.

Employees will record their attendance by indicating the hours worked per day.

Attendance and time off shall be recorded on the time sheets using the following:

P	Present
AL	Deducted from vacation bank
S	Deducted from sick leave bank
D	Bereavement leave
H	Legal Holiday

In special circumstances it may be necessary for employees may to use one of the following:

A	Absent without pay
DO	Day off without pay
LW	Leave of absence with out pay

Deductions and Garnishments

The law requires that the Village makes certain deductions from every employee's compensation. These deductions include, but are not limited to, Federal Income Tax withholdings, State Income Tax withholdings, Social Security Tax withholdings and Medicare withholdings. Any employee who believes that the Village has made an improper deduction from his/her wages should promptly notify the Village Clerk of the alleged error.

Employee Wage Compensation

Employee wage compensation schedules shall be approved annually by the Village of Empire Village Council and shall be a matter of public record.

Overtime

Non-exempt employees are eligible for overtime pay for any time worked in excess of forty (40) hours per work week. Overtime is paid at a rate of one and one-half (1 ½) times an employee's regular rate of pay. This includes non-holiday Sundays.

Employees who are needed to work on a holiday, regardless of the day of the week, shall be paid at two times (2) the employees' regular rate.

Exempt employees are not entitled to overtime pay.

Only hours actually worked are considered in the calculation of overtime.

With the exception of winter snow plowing activities, advance approval from the employee's direct supervisor is required for any non-exempt employee to work overtime. Overtime for department heads must be approved by the Village President. Department heads must approve overtime for their employees.

Vacation Time (Full-Time Employees only)¹

The Village of Empire recognizes the high level of commitment expected of its employees throughout the year. As a part of an overall benefits package, the Village acknowledges the importance of work/life balance and encourages full-time

¹ As of this writing (2022), only full-time employees are offered vacation, sick and personal days.

employees to take the time off provided by the Village to spend with their families, refresh, avoid burnout, and reduce work place mistakes or accidents.

Full-time employees are encouraged to use vacation time in increments of 4 hours, however, the option of using time from their vacation and sick bank in hourly increments is also available.

- Vacation shall accrue based on each full work week in a calendar year.
- Vacation may not be taken before it is earned.
- Employees on sick leave shall accrue vacation leave as if they were on the job.
- Legal holidays shall not be deducted from Vacation time.
- Vacation bank shall not exceed one year of entitled Vacation leave.

While the State of Michigan does not require employers to provide vacation bank payout at termination or separation from Village employment, the Village Council offers employees **who provide notice of two weeks or more** a payout of unused vacation time - not to exceed their vacation bank limit based on years of service. The Village President shall have the authority to determine vacation bank payments for employees leaving without notice.

Vacation Pay Accrual

1st year of employment

Vacation 5 days (40 hours)

2-5 years of employment

Vacation 10 days (80 hours)

8+ years of employment

Vacation 15 days (120 hours)

Sick Leave (Full-Time Employees only)

All full-time employees will earn eight hours of sick leave per month. Full time employees may accumulate a maximum of twenty-four (24) days.

- All eligible employees shall begin to accumulate sick leave on their first day of employment.
- Employees who are unable to work due to illness are required to notify their Supervisor within 2 hours after the start of the employees' normal work day.
- Employees who are unable work due to illness for more than 3 days may be asked to provide a doctor's note prior to returning to work.
- Sick leave may only be used after it is earned.
- Employees may use sick leave for doctor or dental appointments.
- Care of an employee's children, spouse, parent or guardian may be taken as sick leave.
- Employees on sick leave shall continue to accumulate vacation time just as if they were on the job.

- Legal Holidays which are counted as days off with pay by the Village shall not be deducted from an employee's sick leave.
- Employees separated from Village employment shall not be paid for any unused sick leave.

Personal Business Days (Full-Time Employees only)

Full time employees are given 16 hours of personal time each year. Unused personal days will be forfeited at the end of each calendar year.

Holidays. The following holidays are recognized by the Village of Empire as paid holidays:

New Year's Eve	December 31
New Year's Day	January 1
Good Friday	The Friday before the Easter Holiday (.5)
Memorial Day	Last Monday in May
Independence Day	July 4 th
Labor Day	1 st Monday in September
Thanksgiving Day	4 th Thursday in November
Day after Thanksgiving	4 th Friday in November
Christmas Eve	December 24
Christmas Day	December 25

Any holiday falling on Saturday will be observed on the preceding Friday. Any holiday falling on Sunday will be observed on the following Monday.

The Village has no requirement for employees to work the day preceding or following a holiday in order to be paid for the holiday.

Bereavement Leave

In the event of death of a full-time or part-time regular employee's spouse, child, mother, father, registered domestic partner, sister, brother, grandchild, grandparent, father-in-law, mother-in-law, sister-in-law or brother-in-law, the employee shall be granted paid bereavement leave in order to make household adjustments or attend funeral services. Three (3) days of paid bereavement leave shall be provided for the relatives listed above.

One (1) day of paid bereavement leave shall be provided for the employee's cousin, aunt, uncle, niece or nephew.

The Village President (for department heads) or a department head (for department employees) may approve two (2) additional paid days, if needed, which may be deducted from an employee's vacation bank.

Training and Travel

When training or travel expenses are anticipated, all employees shall receive prior approval from the Village President (for department heads) or department head (for

department employees). The Village Council shall be notified of all employee training requests and completion dates.

Jury Duty

Department heads shall notify the Village President and department employees shall notify their department head when called to jury duty and provide a copy of the order to appear. Employees shall be paid the difference between their regular wage and jury duty pay – excluding expenses and travel allowances.

Section 6: General Policies or Procedures

Electronic and email communications with general public

The Village Office, in collaboration with the Leelanau County, maintains a website for the purpose of providing Village residents, taxpayers with factual, non-partisan reporting of governmental activities within the Village.

The Village of Empire adheres to the CAN-Spam Act which sets the rules for email, establishes requirements for messages and provides recipients the right to request the Village cease emailing them.

All official emails to residents, taxpayers or interested parties with factual alerts, issues or activities shall comply with the CAN-Spam Act by using a third-party vendor, such as MailChimp or Constant Contact.

Social Media

The Village understands that social media can be a fun and rewarding way to share your life and opinions with family, friends, co-workers, and the public.

The Village expects its employees to comply with the following guidelines when using social media:

Only those with express authorization from the Village Council or President are permitted to use social media to express content in an official capacity on behalf of the Village. Further, unless authorized as described in this policy, postings on social media should not create an impression that the employee is speaking in any official capacity on behalf of the Village.

All usage of social media must comply with all of the Village's Equal Employment Opportunity and other non-discrimination policies, including but not limited to the Non-Discrimination in Programs and Services and Harassment Prevention policies.

Employees must not knowingly, recklessly, or maliciously post anything false.

Employees must not use Village's intellectual property for their own or others' commercial purposes and must follow all applicable trademark, copyright, and other intellectual property laws when posting.

Complaint Reporting Procedure

The Village encourages all individuals to report any incidents of unlawful discrimination, sexual harassment, other harassment, retaliation, or denial of accommodation immediately so that complaints can be quickly and fairly resolved.

If you believe that you have been the victim of discrimination, harassment (including sexual harassment), report the incident to your immediate supervisor or the Village President.

Your complaint should be as detailed as possible. Investigations will be confidential to the greatest extent possible. Information obtained during the complaint procedure and investigation will be only shared with those individuals on a need-to-know basis or as required by law.

Any employee determined by The Village to be responsible for discrimination, harassment, or other prohibited conduct will be subject to appropriate disciplinary action, up to and including unpaid suspension and/or termination of employment.

The Village will not retaliate against you for filing a complaint and will not tolerate or permit retaliation by management, employees, co-workers, or third parties.

Family and Medical Leave

The Village will provide qualified employees with Family Medical Leave in accordance with State of Michigan and Federal laws.

Workplace Violence Policy

The Village has a zero-tolerance policy for workplace violence, verbal and nonverbal threats, and related actions.

The Village prohibits and will not tolerate any form of workplace violence by an employee, supervisor, or third party (including vendors, patients, customers, subscribers, clients, and/or visitors), both in the workplace and at employer-sponsored events.

Transportation Plan

VC to comment and approve for distribution to local entities for comment. This is NOT final approval.

125.3839 Master plan; adoption; procedures; notice; submittals; use of electronic mail.

Sec. 39. (1) A master plan shall be adopted under the procedures set forth in this section and sections 41 and 43. A master plan may be adopted as a whole or by successive parts corresponding with major geographical areas of the planning jurisdiction or with functional subject matter areas of the master plan.

(2) Before preparing a master plan, a planning commission shall send to all of the following, by first-class mail or personal delivery, a notice explaining that the planning commission intends to prepare a master plan and requesting the recipient's cooperation and comment:

(a) For any local unit of government undertaking a master plan, the planning commission, or if there is no planning commission, the legislative body, of each municipality located within or contiguous to the local unit of government.

(b) For a county undertaking a master plan, the regional planning commission for the region in which the county is located, if any.

(c) For a county undertaking a master plan, the county planning commission, or if there is no county planning commission, the county board of commissioners, for each county located contiguous to the county.

(d) For a municipality undertaking a master plan, the regional planning commission for the region in which the municipality is located, if there is no county planning commission for the county in which that municipality is located. If there is a county planning commission, the municipal planning commission may consult with the regional planning commission but is not required to do so.

(e) For a municipality undertaking a master plan, the county planning commission, or if there is no county planning commission, the county board of commissioners, for the county in which that municipality is located.

(f) For any local unit of government undertaking a master plan, each public utility company, railroad company, and public transportation agency owning or operating a public utility, railroad, or public transportation system within the local unit of government, and any government entity that registers its name and mailing address for this purpose with the planning commission.

(g) If the master plan will include a master street plan, the county road commission and the state transportation department.

(3) A submittal under section 41 or 43 by or to an entity described in subsection (2) may be made by personal or first-class mail delivery of a hard copy or by electronic mail. However, the planning commission preparing the plan shall not make such submittals by electronic mail unless, in the notice described in subsection (2), the planning commission states that it intends to make such submittals by electronic mail and the entity receiving that notice does not respond by objecting to the use of electronic mail. Electronic mail may contain a link to a website on which the submittal is posted if the website is accessible to the public free of charge.

History: 2008, Act 33, Eff. Sept. 1, 2008;—Am. 2010, Act 306, Imd. Eff. Dec. 17, 2010.

125.3841 Preparation of proposed master plan; submission to legislative body for review and comment; approval required; notice; submission of comments; statements as advisory.

Sec. 41. (1) After preparing a proposed master plan, a planning commission shall submit the proposed master plan to the legislative body for review and comment. The process of adopting a master plan shall not proceed further unless the legislative body approves the distribution of the proposed master plan.

(2) If the legislative body approves the distribution of the proposed master plan, it shall notify the secretary of the planning commission, and the secretary of the planning commission shall submit, in the manner provided in section 39(3), a copy of the proposed master plan, for review and comment, to all of the following:

(a) For any local unit of government proposing a master plan, the planning commission, or if there is no planning commission, the legislative body, of each municipality located within or contiguous to the local unit of government.

(b) For a county proposing a master plan, the regional planning commission for the region in which the county is located, if any.

(c) For a county proposing a master plan, the county planning commission, or if there is no county planning commission, the county board of commissioners, for each county located contiguous to the county.

(d) For a municipality proposing a master plan, the regional planning commission for the region in which the municipality is located, if there is no county planning commission for the county in which that local unit of government is located. If there is a county planning commission, the secretary of the municipal planning commission may submit a copy of the proposed master plan to the regional planning commission but is not required to do so.

VC WS 3/10/22

**RESOLUTION NO. 07 OF 2022
VILLAGE OF EMPIRE**

**RESOLUTION TO ADOPT THE ANNUAL EXEMPTION OPTION AS SET FORTH IN 2011 PUBLIC ACT 152,
THE PUBLICLY FUNDED HEALTH INSURANCE CONTRIBUTION ACT**

WHEREAS, 2011 Public Act 152 (the "Act") was passed by the State Legislature and signed by the Governor on September 24, 2011; and

WHEREAS, the Act contains three options for complying with the requirements of the Act; and

WHEREAS, the three options are as follows:

- 1) Section 3 "Hard Caps" Option – limits a public employer's total annual health care costs for employees based on coverage levels, as defined in the Act;
- 2) Section 4 "80%/20%" Option – limits a public employer's share of total annual health care costs to not more than 80%. This option requires an annual majority vote of the governing body;
- 3) Section 8 "Exemption" Option – a local unit of government, as defined in the Act, may exempt itself from the requirements of the Act by an annual 2/3 vote of the governing body;

WHEREAS, the Village of Empire has decided to adopt the annual Exemption option as its choice of compliance under the Act;

NOW, THEREFORE, BE IT RESOLVED the Village Council of the Village of Empire elects to comply with the requirements of 2011 Public Act 152, the Publicly Funded Health Insurance Contribution Act, by adopting the annual Exemption option for the medical benefit plan coverage year March 1, 2022 through February 28, 2023.

_____ moved that Resolution No. 07 of 2022, a resolution to comply with the requirements of 2011 Public Act 152, be adopted with immediate effect. 2nd by _____.

Voting for:

Voting against:

The resolution is declared adopted.

Daniel M. Davis, Village President

CERTIFICATION

I hereby certify that the foregoing is a true copy of Resolution No. 07 of 2022 which was adopted by the Village Council for the Village of Empire at a regular meeting held on March 22nd, 2022.

Derith A. Smith, Village Clerk

PUBLICLY FUNDED HEALTH INSURANCE CONTRIBUTION ACT
Act 152 of 2011

AN ACT to limit a public employer's expenditures for employee medical benefit plans; to provide the power and duties of certain state agencies and officials; to provide for exceptions; and to provide for sanctions.

History: 2011, Act 152, Imd. Eff. Sept. 27, 2011.

The People of the State of Michigan enact:

15.561 Short title.

Sec. 1. This act shall be known and may be cited as the "publicly funded health insurance contribution act".

History: 2011, Act 152, Imd. Eff. Sept. 27, 2011.

15.562 Definitions.

Sec. 2. As used in this act:

(a) "Designated state official" means:

(i) For an election affecting employees and officers in the judicial branch of state government, the state court administrator.

(ii) For an election affecting senate employees and officers, the secretary of the senate.

(iii) For an election affecting house of representatives employees and officers, the clerk of the house.

(iv) For an election affecting legislative council employees, the legislative council.

(v) For an election affecting employees in the state classified service, the civil service commission.

(vi) For an election affecting executive branch employees who are not in the state classified service, the state employer.

(b) "Flexible spending account" means a medical expense flexible spending account in conjunction with a cafeteria plan as permitted under the federal internal revenue code of 1986.

(c) "Health savings account" means an account as permitted under section 223 of the internal revenue code of 1986, 26 USC 223.

(d) "Local unit of government" means a city, village, township, or county, a municipal electric utility system as defined in section 4 of the Michigan energy employment act of 1976, 1976 PA 448, MCL 460.804, an authority created under chapter VIA of the aeronautics code of the state of Michigan, 1945 PA 327, MCL 259.108 to 259.125c, or an authority created under 1939 PA 147, MCL 119.51 to 119.62.

(e) "Medical benefit plan" means a plan established and maintained by a carrier, a voluntary employees' beneficiary association described in section 501(c)(9) of the internal revenue code of 1986, 26 USC 501, or by 1 or more public employers, that provides for the payment of medical benefits, including, but not limited to, hospital and physician services, prescription drugs, and related benefits, for public employees or elected public officials. Medical benefit plan does not include benefits provided to individuals retired from a public employer or a public employer's contributions to a fund used for the sole purpose of funding health care benefits that are available to a public employee or an elected public official only upon retirement or separation from service.

(f) "Medical benefit plan costs" does not include a payment by the public employer to an employee or elected public official in lieu of medical benefit plan coverage and, for a medical benefit plan coverage year beginning after the later of January 1, 2014 or the effective date of the amendatory act that added this subdivision, includes, but is not limited to, all of the following:

(i) Any amount that the public employer pays directly or indirectly for the assessment levied pursuant to the health insurance claims assessment act, 2011 PA 142, MCL 550.1731 to 550.1741.

(ii) Insurance agent or company commissions.

(iii) Any additional amount the public employer is required to pay as a fee or tax under the patient protection and affordable care act, Public Law 111-148, as amended by the federal health care and education reconciliation act of 2010, Public Law 111-152.

(g) "Medical benefit plan coverage year" means the 12-month period after the effective date of the contractual or self-insured medical coverage plan that a public employer provides to its employees or public officials.

(h) "Public employer" means this state; a local unit of government or other political subdivision of this state; any intergovernmental, metropolitan, or local department, agency, or authority, or other local political subdivision; a school district, a public school academy, or an intermediate school district, as those terms are

defined in sections 4 to 6 of the revised school code, 1976 PA 451, MCL 380.4 to 380.6; a community college or junior college described in section 7 of article VIII of the state constitution of 1963; or an institution of higher education described in section 4 of article VIII of the state constitution of 1963.

History: 2011, Act 152, Imd. Eff. Sept. 27, 2011;—Am. 2013, Act 269, Imd. Eff. Dec. 30, 2013.

Compiler's note: Enacting section 1 of Act 269 of 2013 provides:

"Enacting section 1. This amendatory act clarifies the original intent of the legislature and is curative and retroactive as to the exclusion of funding for health care benefits that are available only upon either retirement or separation from service from the definition of medical benefit plan and as to the exclusion of payments in lieu of medical benefit plan coverage from medical benefit plan costs."

15.563 Public employer contribution to medical benefit plan; limitation on amount; allocation of payments; adjustment of maximum payment.

Sec. 3. (1) Except as otherwise provided in this act, a public employer that offers or contributes to a medical benefit plan for its employees or elected public officials shall pay no more of the annual costs or illustrative rate and any payments for reimbursement of co-pays, deductibles, or payments into health savings accounts, flexible spending accounts, or similar accounts used for health care costs, than a total amount equal to \$5,500.00 times the number of employees and elected public officials with single-person coverage, \$11,000.00 times the number of employees and elected public officials with individual-and-spouse coverage or individual-plus-1-nonspouse-dependent coverage, plus \$15,000.00 times the number of employees and elected public officials with family coverage, for a medical benefit plan coverage year beginning on or after January 1, 2012. A public employer may allocate its payments for medical benefit plan costs among its employees and elected public officials as it sees fit. By October 1 of each year after 2011 and before 2019, the state treasurer shall adjust the maximum payment permitted under this subsection for each coverage category for medical benefit plan coverage years beginning the succeeding calendar year, based on the change in the medical care component of the United States Consumer Price Index for the most recent 12-month period for which data are available from the United States Department of Labor, Bureau of Labor Statistics. By April 1 of each year after 2018, the state treasurer shall adjust the maximum payment permitted under this subsection for each coverage category for medical benefit plan coverage years beginning the succeeding calendar year, based on the change in the medical care component of the United States Consumer Price Index for the most recent 12-month period for which data are available from the United States Department of Labor, Bureau of Labor Statistics.

(2) For a medical benefit plan coverage year beginning January 1, 2014 through December 31, 2014, the multiplier used to calculate the maximum public employer payment under subsection (1) is \$12,250.00 for employees and elected public officials with individual-and-spouse coverage or individual-plus-1-nonspouse-dependent coverage. The state treasurer shall adjust the multiplier each year as provided in subsection (1).

(3) For purposes of calculating a public employer's maximum total annual medical benefit plan costs under subsection (1), "employee or elected public official" does not include an employee or elected public official who declines the medical benefit plan offered or contributed to by the public employer.

History: 2011, Act 152, Imd. Eff. Sept. 27, 2011;—Am. 2013, Act 270, Imd. Eff. Dec. 30, 2013;—Am. 2018, Act 477, Imd. Eff. Dec. 27, 2018.

Compiler's note: Enacting section 1 of Act 270 of 2013 provides:

"Enacting section 1. Section 3(1) and (3) of the publicly funded health insurance contribution act, 2011 PA 152, MCL 15.563, as amended or added by this amendatory act, clarifies the original intent of the legislature that a public employee or elected official who declines the public employer's medical benefit plan coverage is not an employee or elected public official for purposes of calculating the public employer's maximum total annual medical benefit plan costs. These amendments are curative and apply retroactively."

15.564 Public employer contribution to medical benefit plan; limitation on percentage of annual costs; allocation of employees' share of total costs.

Sec. 4. (1) By a majority vote of its governing body each year, prior to the beginning of the medical benefit plan coverage year, a public employer, excluding this state, may elect to comply with this section for a medical benefit plan coverage year instead of the requirements in section 3. The designated state official may elect to comply with this section instead of section 3 as to medical benefit plans for state employees and state officers.

(2) For medical benefit plan coverage years beginning on or after January 1, 2012, a public employer shall pay not more than 80% of the total annual costs of all of the medical benefit plans it offers or contributes to for its employees and elected public officials. For purposes of this subsection, total annual costs includes the premium or illustrative rate of the medical benefit plan and all employer payments for reimbursement of co-pays, deductibles, and payments into health savings accounts, flexible spending accounts, or similar accounts used for health care but does not include beneficiary-paid copayments, coinsurance, deductibles,

other out-of-pocket expenses, other service-related fees that are assessed to the coverage beneficiary, or beneficiary payments into health savings accounts, flexible spending accounts, or similar accounts used for health care. For purposes of this section, each elected public official who participates in a medical benefit plan offered by a public employer shall be required to pay 20% or more of the total annual costs of that plan. The public employer may allocate the employees' share of total annual costs of the medical benefit plans among the employees of the public employer as it sees fit.

History: 2011, Act 152, Imd. Eff. Sept. 27, 2011;—Am. 2013, Act 271, Imd. Eff. Dec. 30, 2013.

15.565 Collective bargaining agreement or other contract in effect; inconsistent terms.

Sec. 5. (1) If a collective bargaining agreement or other contract that is inconsistent with sections 3 and 4 is in effect for 1 or more employees of a public employer on September 27, 2011, the requirements of section 3 or 4 do not apply to an employee covered by that contract until the contract expires. A public employer's expenditures for medical benefit plans under a collective bargaining agreement or other contract described in this subsection shall be excluded from calculation of the public employer's maximum payment under section 4. The requirements of sections 3 and 4 apply to any extension or renewal of the contract.

(2) A collective bargaining agreement or other contract that is executed on or after September 27, 2011 shall not include terms that are inconsistent with the requirements of sections 3 and 4.

History: 2011, Act 152, Imd. Eff. Sept. 27, 2011;—Am. 2013, Act 272, Imd. Eff. Dec. 30, 2013.

Compiler's note: Enacting section 1 of Act 272 of 2013 provides:

"Enacting section 1. This amendatory act clarifies the original intent of the legislature that September 27, 2011 is the date on and after which a new contract must comply with this act. This amendatory act is curative and applies retroactively."

15.566 Deduction by public employer.

Sec. 6. A public employer may deduct the covered employee's or elected public official's portion of the cost of a medical benefit plan from compensation due to the covered employee or elected public official. The employer may condition eligibility for the medical benefit plan on the employee's or elected public official's authorizing the public employer to make the deduction.

History: 2011, Act 152, Imd. Eff. Sept. 27, 2011.

15.567 Applicability of requirements to medical benefit plans of public employees and elected public officials; scope; effect of certain sections found to be invalid.

Sec. 7. (1) The requirements of this act apply to medical benefit plans of all public employees and elected public officials to the greatest extent consistent with constitutionally allocated powers, whether or not a public employee is a member of a collective bargaining unit.

(2) If a court finds the requirements of section 3 to be invalid, the expenditure limit in section 4 shall apply to a public employer that does not exempt itself under section 8, except that the requirement for a majority vote of the governing body of the public employer in section 4 shall not apply. If a court finds section 4 to be invalid, the expenditure limit in section 3 shall apply to each public employer that does not exempt itself under section 8.

History: 2011, Act 152, Imd. Eff. Sept. 27, 2011.

15.568 Exemption from act; extension; exceptions.

Sec. 8. (1) By a 2/3 vote of its governing body each year, prior to the beginning of the medical benefit plan coverage year, a local unit of government may exempt itself from the requirements of this act for the next succeeding medical benefit plan coverage year.

(2) A 2/3 vote of the governing body of the local unit of government prior to the beginning of each succeeding medical benefit plan coverage year is required to extend an exemption under this section.

(3) An exemption under this section is not effective for a city with a mayor who is both the chief executive and chief administrator, unless the mayor also approves the exemption.

(4) An exemption under this section is not effective for a county with a county executive who is both the chief executive and chief administrator, unless the county executive also approves the exemption.

(5) An exemption under this section is not effective for a city with a population greater than 600,000.

History: 2011, Act 152, Imd. Eff. Sept. 27, 2011;—Am. 2013, Act 273, Imd. Eff. Dec. 30, 2013;—Am. 2014, Act 184, Imd. Eff. June 20, 2014.

15.569 Noncompliance by public employer; penalty.

Sec. 9. If a public employer fails to comply with this act, the public employer shall permit the state treasurer to reduce by 10% each economic vitality incentive program payment received under 2011 PA 63 and the department of education shall assess the public employer a penalty equal to 10% of each payment of

any funds for which the public employer qualifies under the state school aid act of 1979, 1979 PA 94, MCL 388.1601 to 388.1772, during the period that the public employer fails to comply with this act. Any reduction setoff or penalty amounts recovered shall be returned to the fund from which the reduction is assessed or upon which the penalty is determined. The department of education may also refer the penalty collection to the department of treasury for collection consistent with section 13 of 1941 PA 122, MCL 205.13.

History: 2011, Act 152, Imd. Eff. Sept. 27, 2011.

DIRECT DEPOSIT AUTHORIZATION FORM

Fill in the boxes below and sign the form.

Last Name

First Name

MI

Social Security Number

Work Phone

Action

☐

New

☐

Change

☐

Cancel

Effective Date

Month

Day

Year

Name of Financial Institution

Account Number

(Include hyphens but omit spaces and special symbols)

Type of Account

☐

Checking

☐

Savings

Routing Transit Number

(All 9 boxes must be filled. The first two numbers must be 01 through 12 or 21 through 32.)

Ownership of Account

☐

Self

☐

Joint

☐

Other

By signing this agreement, I authorize _____ to initiate credit entries to the account indicated above for the purpose of expense and/or payroll.
I also authorize _____ to initiate, if necessary, debit entries and adjustments for any credit entries made in error.

Signature _____ Date _____

If the account is a joint account or in someone else's name, that individual must also agree to the terms stated above by signing below.

Signature _____ Date _____

HOW TO COMPLETE THIS FORM

1. Fill in all boxes above.
2. Sign and date the form.

TIP

Call your financial institution to make sure they will accept direct deposits.

TIP

Verify your account number and routing transit number with your financial institution.

TIP

Do not use a deposit slip to verify the routing number.

Routing Transit Number

Account Number

JOHN PUBLIC
123 Main Street
Your Town, FL 12345

1234

19

PAY TO THE
ORDER OF

\$

Your Town Bank
Your Town, FL 12345

DOLLARS

For

⑆250000005⑆ 1234556789022⑈

NOTE: THE ACCOUNT AND ROUTING NUMBER MAY APPEAR IN DIFFERENT PLACES ON YOUR CHECK.